IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1520 OF 2004

Shoaib @ Richie Sequeria ... Applicant

versus

State of Maharashtra & anr. ... Respondents

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Mr. S.D. Nangre, for the Applicant.

Mr. S.R. Shinde, A.P.P., for Respondent No. 1.

Mr. A.A.H. Ponda, for Respondent No. 2.

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CORAM : A.M.KHANWILKAR,J.

19th October 2004

P.C.:

. This application is for cancellation of anticipatory bail granted by the lower Court on 6th March 2004. At this distance of time, I see no reason to interfere with the said order. Counsel for the Applicant, however, contends that the anticipatory bail has been granted by the lower Court on the assumption that there are cross cases pending between the parties, which is incorrect. Even so, as mentioned earlier, at

this distance of time, I find no reason to set aside the said order or cancel the anticipatory bail already granted, especially when it is placed on record by way of affidavit that the investigation has been completed and charge sheet is filed on 15th October 2004. Learned Counsel for the Applicant submits that the Applicant has already filed another complaint. If it is so, that complaint will be persed and taken to its logical end in accordance with law. That cannot be the basis for cancellation of anticipatory bail already granted in the present case. Accordingly, this application is rejected.

. There is, however, a disquieting feature noted in this matter. The complaint was registered on 20-12-2003. Indeed, after the registration of the complaint, the police swung into action and recorded statements of certain persons soon thereafter. But, later on, from January 2004, at least from the affidavit filed before this Court it appears that no steps were taken till April 2004, presumably because of pendency of anticipatory bail application during this period. It further appears that investigation was again set in motion from April

2004 till 5th May 2004 and once again no steps have been taken by the investigating officer since May 2004 till this Court passed order on 6th October 2004. Obviously, it is only because of the order passed on 6th October 2004 that the investigating machinery has been activated in the proceedings and thought it appropriate to file charge sheet on 15th October 2004. All these aspects will have to be considered by the appropriate authority and corrective action will have to be taken against the concerned persons if it is found that during the enquiry there was any inaction or dereliction of duties by the concerned persons. I have already directed copy of the order dated 6th October 2004 to be sent to the Principal Secretary, Home Department. Even a copy of this order be forwarded to the Principal Secretary, Home Department, who, in turn, shall take appropriate action in the matter and report compliance of this Court within 12 weeks from today.

. Place this matter for order after 12 weeks only for the limited purpose of ascertaining the steps taken by the Principal Secretary, Home Department.

. Parties to act on the authenticated copy of this order.